

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Shaolin Li

Application No.: 10/820,962

Confirmation No.: 9558

Filed: April 7, 2004

Art Unit: 2617

For: SYSTEM AND METHOD FOR ACHIEVING
TIMING COMPATIBILITY WITH MULTI-
ANTENNA WIRELESS DATA PROTOCOLS

Examiner: Sam Bhattacharya

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The outstanding Restriction Requirement, mailed 5/21/08, has initially required restriction between the following claims that have been indicated as directed to two patentably distinct inventions as follows:

Group I: claims 1-18, 31-46 and 51-62, drawn to communicating data packets and classified in class 370, subclass 338; and

Group II: claims 19-30 and 47-50, drawn to a multi-antenna system in an IC chip, classified in class 370, subclass 210.

In response to the outstanding Restriction Requirement set forth in the Office Action mailed May 21, 2008, applicant hereby provisionally elects the above proposed **Group I** of claims 1-18, 31-46 and 51-62, drawn to communicating data packets and classified in class 370, subclass 338 with traverse. Applicant makes these elections based on the understanding that

Applicant is not prejudiced against filing one or more divisional applications that cover the non-elected claims.

In addition, Applicants respectfully traverse the original Restriction Requirement for the following reasons. In particular:

MPEP Section 803 states:

[i]f the search and examination of an entire application can be made *without serious burden*, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions (emphasis added).

That is, the claims of the present invention would appear to be part of the same technology area as indicated at least by the common overall classification (i.e., class 370). Though the Commissioner may require restriction if two or more independent and distinct inventions are claimed in a single application (*see* 37 CFR 1.142(a)), Applicants respectfully submit the inventions are not independent and examination of the entire application can be performed *without serious burden*. That is, Applicants respectfully submit that an examination of one set of claims (i.e., **Group I**), which are directed to the apparatus/circuit, will also require a search in classes/subclasses common to the same technology area for the set of claims (i.e., **Group II**), which are based on a system using the apparatus/circuit.

Therefore, Applicants respectfully request that the Restriction Requirement be withdrawn and the entire application be examined. However, if the Restriction Requirement is not withdrawn, examination on the merits of **Group I** of claims 1-18, 31-46 and 51-62 is in order and an early and favorable action to that effect is respectfully requested.

Conclusion

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 22-0185, under Order No. 27592-00275-US3 from which the undersigned is authorized to draw.

Dated: June 21, 2008

Respectfully submitted,

Electronic signature: /Myron Keith Wyche/
Myron Keith Wyche
Registration No.: 47,341
CONNOLLY BOVE LODGE & HUTZ LLP
1875 Eye Street, NW
Suite 1100
Washington, DC 20006
(202) 331-7111
(202) 293-6229 (Fax)
Agent for Applicant